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CITY OF LAGUNA BEACH, et al.

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION
10

11 LEONARD J. PORTO III,

12 Plaintiff,

13 v.

14 CITY OF LAGUNA BEACH, CITY OF
LAGUNA BEACH MARINE SAFETY
15 DEPARTMENT, MARINE SAFETY
CHIEF MARK KLOSTERMAN,
16 LIFEGUARD TRAVIS LOWREY,
LIFEGUARD THOMAS McGERVEY,
17 LIFEGUARD MIKE SCOTT, CITY OF
LAGUNA BEACH POLICE
18 DEPARTMENT, POLICE OFFICER
ALFRED COLLAZO, POLICE
19 OFFICER RYAN DOMINGUEZ,
POLICE OFFICER MICHAEL
20 DONOHUE, POLICE OFFICER ZACH
MARTINEZ, and DOES 1 through 10,
21 Inclusive,

22 Defendants.
23

Case No. SACV 08-547 DOC (MLGx)

**ORDER FOR DISMISSAL AND
JUDGMENT IN FAVOR OF
DEFENDANTS**

24 Plaintiff Leonard J. Porto III ("Porto") filed his Complaint for Damages and
25 Injunctive Relief on May 14, 2008, naming the City of Laguna Beach ("City") as the
26 only Defendant. The City filed an Answer denying the material allegations.

27 Pursuant to leave granted by this Court, Porto later filed a First Amended
28 Complaint for Damages, Declaratory Relief and Injunctive Relief on September 22,

2008, naming the City and several City departments and employees as Defendants (collectively, "City Defendants"). The City Defendants filed a Motion to Dismiss Action under Fed. Rule Civ. P. 12(b)(6). On November 19, 2008, this Court entered a Minute Order granting the City Defendants' motion.

On December 9, 2008, Porto filed a Second Amended Complaint for Damages and Injunctive Relief against the City Defendants. The City Defendants filed a Motion to Dismiss Action under Fed. Rule Civ. P. 12(b)(6). On January 20, 2009, this Court entered a Minute Order granting in part and denying in part the City Defendants' motion. The motion was granted as to all claims for relief against all the City Defendants with the exception of the 42 U.S.C. § 1983 claim of excessive force in violation of the Fourth Amendment alleged against Defendant Police Officer Michael Donohue ("Donohue") in his individual capacity.

Donohue filed an Answer denying the material allegations. Donohue later filed a Motion for Summary Judgment. On April 20, 2009, this Court filed an Order granting the motion.

All issues in this action having been fully considered, and decisions on those issues having been duly rendered,

IT IS HEREBY ORDERED AND ADJUDGED that Porto taking nothing by his action, that the action be dismissed with prejudice and judgment entered on the merits in favor of the City Defendants, and each of them, and that the City Defendants recover their costs, as determined by the Clerk.

DATED: April 21, 2009 _____



HON. DAVID O. CARTER
United States District Judge

Prepared, served and lodged by:

Philip D. Kohn
Attorneys for Defendants